

Regular Session, 2010

SENATE BILL NO. 177

BY SENATOR THOMPSON

CRIME/PUNISHMENT. Provides relative to expanding eligibility criteria for crime victim reparations. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 46:1802(8)(a) and to enact R.S. 46:1802(8)(b)(v) and R.S.
3 46:1806(D), relative to crime victims reparations; to provide for definitions; to
4 provide for application requirements; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 46:1802(8)(a) is hereby amended and reenacted and R.S.
7 46:1802(8)(b)(v) and 1806(D) are enacted to read as follows:

8 §1802. Definitions

9 As used in this Chapter:

10 * * *

11 (8) "Pecuniary loss" means the amount of expense reasonably and
12 necessarily incurred by reason of personal injury, as a consequence of death, or a
13 catastrophic property loss, and includes:

14 (a) For personal injury:

15 (i) Medical, hospital, nursing, or psychiatric care or counseling, and physical
16 therapy.

17 (ii) Actual loss of past earnings and anticipated loss of future earnings

because of a disability resulting from the personal injury or the receipt of medically indicated services by a child victim related to the personal injury.

(iii) Care of a child or ~~children enabling a victim or the spouse, but not both of them, to engage in gainful employment~~ dependent.

(iv) Counseling or therapy for the parents or siblings of a child who is the victim of a sexual crime.

(v) Loss of support for a child victim of a sexual crime not otherwise compensated for as a pecuniary loss for personal injury.

(b) As a consequence of death:

* * *

(v) Crime scene cleanup.

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§1806. Application; requirements; confidentiality

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D. Records, documents, and information in the possession of the board received pursuant to a law enforcement investigation or a verification of application by a law enforcement agency shall be considered investigative records of a law enforcement agency as described in R.S. 44:3 and shall not be disseminated under any condition without the permission of the agency providing the record or information to the board.

The original instrument was prepared by Michael Bell. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michelle Broussard-Johnson.

DIGEST

Thompson (SB 177)

Present law defines "Pecuniary loss" as:

- (i) Medical, hospital, nursing, or psychiatric care or counseling, and physical therapy.
- (ii) Actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury.
- (iii) Care of a child or children enabling a victim or the spouse, but not both of them, to engage in gainful employment.

Proposed law defines "Pecuniary loss" as:

- (i) Medical, hospital, nursing, or psychiatric care or counseling, and physical therapy.
- (ii) Actual loss of past earnings and anticipated loss of future earnings because of a disability resulting from the personal injury or the receipt of medically indicated services by a child victim related to the personal injury.
- (iii) Care of a child or dependent.

Present law provides the following "as a consequence of death":

- (i) Funeral, burial, or cremation expenses.
- (ii) Loss of support to one or more dependents not otherwise compensated for as a pecuniary loss for personal injury.
- (iii) Care of a child or children enabling the surviving spouse of a victim or the legal custodian or caretaker of the deceased victim's child or children to engage in lawful employment, where that expense is not otherwise compensated for as a pecuniary loss for personal injury.
- (iv) Counseling or therapy for any surviving family member of the victim or any person in close relationship to such victim.

Proposed law maintains present law related to "as a consequence of death" and adds crime scene cleanup.

Present law provides for a prescriptive date to file an application for reparations, the application shall be made on a form prescribed and provided by the board and certain information, when submitted to the board shall be confidential.

Proposed law maintains present law and adds records, documents and information in the possession of the board received pursuant to a law enforcement investigation or a verification of application by a law enforcement agency shall be an exception to the public records law and shall not be disseminated under any condition without the permission of the agency providing the record or information to the board.

Effective August 15, 2010.

(Amends R.S. 46:1802(8)(a); adds R.S. 46:1802(8)(b)(v) and 1806(D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill.

- 1. Changes proposed law regarding the definition of "pecuniary loss" for personal injury from medically indicated services related to the disability to medically indicated services by a child victim.
- 2. Clarifies records, documents and information to be confidential.

Senate Floor Amendments to reengrossed bill.

- 1. Technical amendments made by the Legislative Bureau.